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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,675

11/18/2003

Hiroki Taoka

82478-2300

4812

21611 7590 06/20/2007

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EXAMINER

HAJNIK, DANIEL F

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

06/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/715,675

Applicant(s)

TAOKA ET AL.

Examiner

Daniel F. Hajnik

Art Unit

2628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-14.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


ULKA J. CHAUHAN
PRIMARY EXAMINER

Continuation of 3. NOTE: The new issues include the claim amendments to claims 5, 10, 12, and 14. These claim amendments change the scope of the claims and thus would require further search and/or consideration.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argues that in the reference of Hill only the CURRENT PIXEL is analyzed, independent of any other pixels in the foreground or background and that Hill "may involve modifying one or more of the red, blue, or green sub-pixels" (top paragraph on page 16 in remarks). Applicant argues "In contrast, the present invention calculates the dissimilarity level based on the target sub-pixel and its adjacent sub-pixel in the front image" (bottom of page 16) and calculates a filtering coefficient based on the dissimilarity level in the front image to filter the composite image (top of page 17).

The examiner respectfully maintains that the rejections are proper because Hill teaches of comparing pixels (col 19, lines 44-46, "A red/green difference intensity value is determined and compared to a threshold value") where this analysis is not completely independent as suggested by (col 19, lines 7-10, "(2) adding some luminous intensity, e.g., the amount that was subtracted in (1), to an adjacent, different colored pixel sub-component, e.g., a neighboring pixel sub-component of the same pixel"). In this instance, the adjustment of luminous intensities involves calculation and computations of more than a single pixel but rather takes into consideration adjacent pixel values as well. Further, Hill at least suggests the use filtering by taking into account the front image in order to filter the composite image by (col 19, line 65 - col 20, line 5, "Color processing and adjustment is performed, as required, by the sub-routine 813 on a per pixel processing basis ... wherein information identifying the foreground and background colors to be used ... This may involve accessing color information stored by the operating system"). In this instance, color processing and adjustment is part of the filtering process. Since both background and foreground colors are accessed and used the color filtering process can be performed on the composite image taking into account color adjustments on the front image.

Further, figure 9D shows both foreground and background colors are considered in step 994 and where a filtering process is performed in 995.

Applicant argues the combination of Hill and Betrisey would still not produce the present invention because the alpha values that are filtered do not pertain to the background or foreground image, but instead represent the transparency of the background and foreground image (bottom paragraph on page 17). Applicant further argues "There is nothing in Betrisey to suggest that some calculation should be done onto the front image, before performing the gamma correction on the composite image to reduce the image degradation." (bottom of page 17).

The examiner respectfully maintains that the rejections are proper because Betrisey teaches of filtering using transparency values in both the front and background images (col 27, lines 38-41, "As discussed above, the application of foreground and background colors and gamma correction differs in the transparent glyph case from that described above in regard to the opaque glyph case" where the glyph can be a foreground shape or character to be applied to a background), where in figure 23, step 2304 shows the each color component is first applied with alpha processing (the front pixels and background pixels) before they are combined through the addition operation to form the composite pixel which is used to construct the composite image.

Applicant argues "Although Betrisey may disclose a transparency value, neither Betrisey nor Hill teaches that the transparency value should be used to calculate the dissimilarity level" (bottom paragraph on page 18) and argues "In contrast, in the present invention, both the color values and the transparency values are used to calculate the dissimilarity level in the target sub pixels in the front image" (top of page 19).

The examiner respectfully maintains that the rejections are proper because these arguments are based upon claim amendments added after the final rejection was written. The prior applied at was based upon the claim language at the time of calculating a dissimilarity level from at least one of color values or transparency values but not necessarily both.

Applicant argues "However chart 9C only discloses that if the differential between the luminance intensity of the red pixel and the luminance intensity of the green pixel is above a threshold value, that the red pixel and the green pixel should be modified. Thus, it calculates a single differential for each target sub-pixel." (lower middle section on page 19).

The examiner respectfully maintains that the rejections are proper because Hill at least suggests the claimed subject matter in col 20, lines 50-56, "if the called sub-routine determines that one or more of the luminance intensity values of the CURRENT PIXEL's pixel sub-components should be changed to reduce or eliminate distracting color distortions, e.g., artifacts, one or more of the luminance intensity values of the CURRENT PIXEL's pixel sub-components return from the sub-routine with an adjusted value" where the color distortions can be caused by large differences, i.e. a largest temporary dissimilarity level of color values. In order to find these artifacts or distortions, the largest color differences would have to be identified through processing the pixel data. Furthermore, adjusting the color value of a large color difference will reduce the distortion, and thus a large difference can be first calculated before the system knows where to make a color adjustment.